

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

v.

BRITBOX, LLC,

Defendant.

CIVIL ACTION NO. 1:20-cv-06919

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against BritBox, LLC (“Britbox”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “’221 Patent”) and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.

2. On information and belief, Defendant is a New York limited liability company, with a place of business at 1120 Avenue of the Americas, 5th Floor, New York, NY, 10036.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

BACKGROUND

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE **(Infringement of United States Patent No. 8,856,221)**

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the BritBox streaming platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g. and recorded music) and delivering requested media content to a consumer device. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Welcome to BritBox

The biggest streaming collection of British TV...ever.
Dramas, comedies, mysteries, documentaries, soaps,
lifestyle and more.

Source: <https://www.britbox.com/us/>

Indulge your inner Brit

From mysteries to histories, beloved classics to the best new shows fresh from the UK, immerse yourself in the best of British telly.

Whether its an exclusive premiere, a hidden gem, or an everyday British favorite, its ready for you to stream directly to your favorite devices.

Source: <https://www.britbox.com/us/about>

Can I download shows and watch offline?

Currently, downloading content for offline viewing is only available if you subscribe through Apple TV Channels. Find out more about subscribing through Apple TV Channels.

We're always adding new options to view the best of British, and plan to bring offline viewing options to more devices in the future.

Source: <https://help.britbox.com/hc/en-us/articles/360042786414-Can-I-download-shows-and-watch-offline->

- You'll only be able to watch in either Amazon Prime Video or in the Apple TV app, and not at BritBox.com or in our apps.
- All changes, updates and cancellations to your BritBox subscription need to be made in your account on their platform, as we don't have access to your Amazon or Apple account.
- You'll need to reach out to their customer support if you have an issue or question about your account, subscription, billing etc.
- Gift subscriptions aren't redeemable on their platforms.
- Some features and functionality are slightly different, for instance [live events](#) and downloading for [offline viewing](#).
- Both partners support a wide range of devices, so if we don't support your preferred way to watch check [Amazon](#) or [Apple TV App's](#) supported devices.

Source: <https://help.britbox.com/hc/en-us/articles/360043264033-Subscribing-through-Amazon-Prime-Video-or-Apple-TV-Channels>

Watch anytime,
anywhere, commercial
free

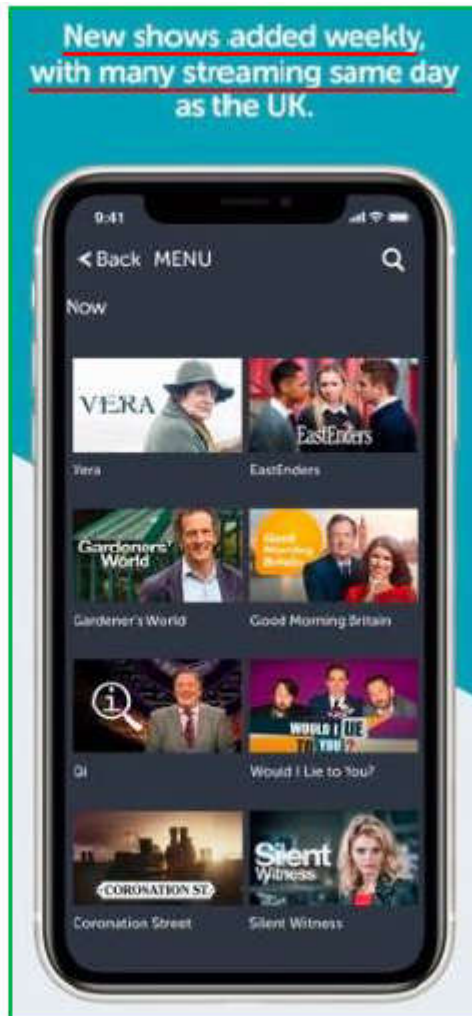
You can start streaming now on your phone, tablet,
computer, Chromecast, Apple TV or Roku.

All you need to get started is an internet connection, no
cable or satellite subscription required.

Source: <https://www.britbox.com/us/about>

- Hundreds of classic comedies, dramas, mysteries, soaps, documentaries, lifestyle and historic broadcasts, ad-free and on demand
- Exclusive new releases, series, and specials, direct from Britain's premier broadcasters, the BBC and ITV
- Many shows available hours after they air in the UK, like EastEnders and Vera
- Access to the entire Classic Doctor Who collection
- Shows like Keeping Up Appearances, Mum, Cold Feet, Poirot, Are You Being Served and many more...

Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>



Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>

19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Watch anytime,
anywhere, commercial
free

You can start streaming now on your phone, tablet,
computer, Chromecast, Apple TV or Roku.

All you need to get started is an internet connection, no
cable or satellite subscription required.

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Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>

Can I watch on multiple devices?

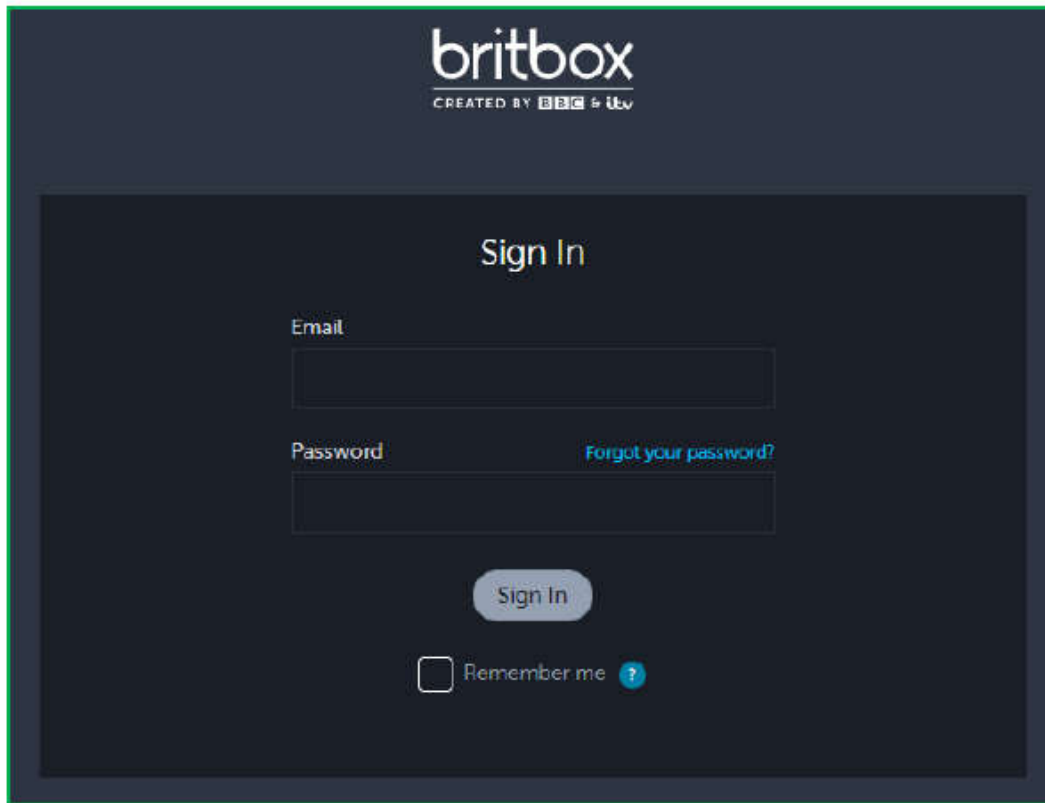
Absolutely! Simply choose the 'Sign In' option when you use the new app or device for the first time.

You'll be able to sign in using the same account on any of our supported devices, including a streaming device like Roku, smart TV, mobile, tablet or on web.

Source: <https://help.britbox.com/hc/en-us/articles/360047421454-Can-I-watch-on-multiple-devices->



Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>

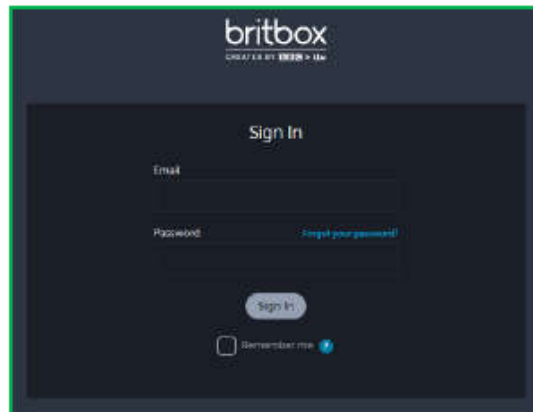


Source:

<https://account.britbox.com/signin?country=us&callback=https%253A%252F%252Fwww.britbox.com%252Fus%252Fcallback%253Fpath%253D%252F&key=85ad2005b7f14b97afe73e7646adb48fca2e6bd717fd29ca4831d0e0933dde2f380f4d563df86df55665cedf48706d6e9c732abbb8c049d8a4674e8cb4ebbcf2>

20. The at least one server necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Source:

<https://account.britbox.com/signin?country=us&callback=https%253A%252F%252Fwww.britbox.com%252Fus%252Fcallback%253Fpath%253D%252F&key=85ad2005b7f14b97afe73e7646adb48fca2e6bd717fd29ca4831d0e0933dde2f380f4d563df86df55665cedf48706d6e9c732abbb8c049d8a4674e8cb4ebbcf2>

- Hundreds of classic comedies, dramas, mysteries, soaps, documentaries, lifestyle and historic broadcasts, ad-free and on demand
- Exclusive new releases, series, and specials, direct from Britain's premier broadcasters, the BBC and ITV
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Can I download shows and watch offline?

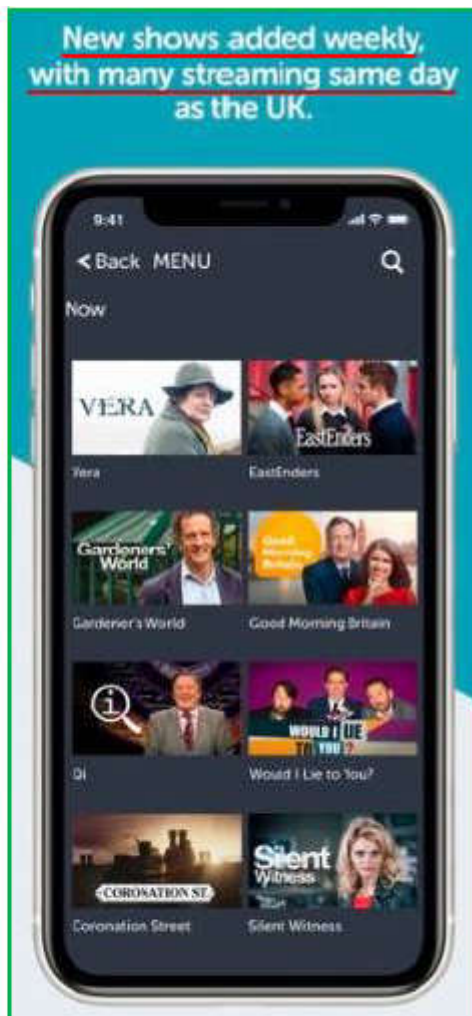
Currently, downloading content for offline viewing is only available if you subscribe through Apple TV Channels. Find out more about subscribing through Apple TV Channels.

We're always adding new options to view the best of British, and plan to bring offline viewing options to more devices in the future.

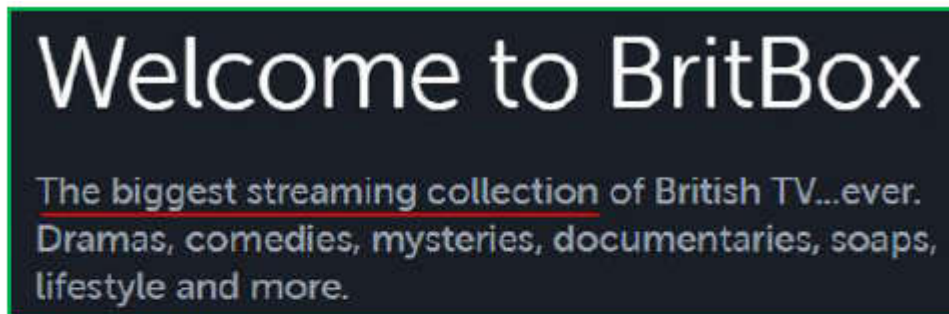
Source: <https://help.britbox.com/hc/en-us/articles/360042786414-Can-I-download-shows-and-watch-offline->

- You'll only be able to watch in either Amazon Prime Video or in the Apple TV app, and not at BritBox.com or in our apps.
- All changes, updates and cancellations to your BritBox subscription need to be made in your account on their platform, as we don't have access to your Amazon or Apple account.
- You'll need to reach out to their customer support if you have an issue or question about your account, subscription, billing etc.
- Gift subscriptions aren't redeemable on their platforms.
- Some features and functionality are slightly different, for instance live events and downloading for offline viewing.
- Both partners support a wide range of devices, so if we don't support your preferred way to watch check [Amazon](#) or [Apple TV App's](#) supported devices.

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Source: <https://www.britbox.com/us/>



Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store video is limited to a certain amount of memory usage based upon their subscription; thus media content may not be available for storage if a user is already above their

memory limit or if the user has not subscribed to any service). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

-Hundreds of classic comedies, dramas, mysteries, soaps, documentaries, lifestyle and historic broadcasts, ad-free and on demand
-Exclusive new releases, series, and specials, direct from Britain's premier broadcasters, the BBC and ITV
-Many shows available hours after they air in the UK, like EastEnders and Vera
-Access to the entire Classic Doctor Who collection
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Source: <https://apps.apple.com/us/app/britbox-by-bbc-itv/id1206838907>

When a show is in 'Last Chance', how long do I have to watch it?

Any episode, season, or show that is marked 'Last Chance' means that it is in its last week of availability.

Source: <https://help.britbox.com/hc/en-us/articles/360043368293-When-a-show-is-in-Last-Chance-how-long-do-i-have-to-watch-it->

Can I download shows and watch offline?

Currently, downloading content for offline viewing is only available if you subscribe through Apple TV Channels. Find out more about subscribing through Apple TV Channels.

We're always adding new options to view the best of British, and plan to bring offline viewing options to more devices in the future.

Source: <https://help.britbox.com/hc/en-us/articles/360042786414-Can-I-download-shows-and-watch-offline->

- You'll only be able to watch in either Amazon Prime Video or in the Apple TV app, and not at BritBox.com or in our apps.
- All changes, updates and cancellations to your BritBox subscription need to be made in your account on their platform, as we don't have access to your Amazon or Apple account.
- You'll need to reach out to their customer support if you have an issue or question about your account, subscription, billing etc.
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- Some features and functionality are slightly different, for instance live events and downloading for offline viewing.
- Both partners support a wide range of devices, so if we don't support your preferred way to watch check [Amazon](#) or [Apple TV App's](#) supported devices.

Source: <https://help.britbox.com/hc/en-us/articles/360043264033-Subscribing-through-Amazon-Prime-Video-or-Apple-TV-Channels>

23. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The server will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

24. The media data time data that indicates a length of time to store the requested media content (e.g. a user is allowed to store media content for limited amount of time as based upon their subscription level). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

After I cancel, can I keep watching?

After cancelling, you'll continue to be able to watch BritBox until your current billing cycle ends.

Example: If you're subscribed on a monthly plan, and your plan renews on the 15th of the month, if you cancel on the 7th of the month, you'll continue to be able to watch until the 15th.

Source: <https://help.britbox.com/hc/en-us/articles/360042476654-After-I-cancel-can-I-keep-watching->

How much is a BritBox subscription?

A subscription gives you unlimited access to all BritBox programs including exclusive premieres, hard-to-find gems, national treasures and everyday favorites.

We offer monthly and annual subscriptions.

A monthly subscription is \$6.99 USD a month in the U.S. and \$8.99 CAD in Canada.

An annual subscription is \$69.99 USD in the U.S. and \$89.99 CAD in Canada. Compared to the price of a monthly subscription, an annual subscription offers 12 months for the equivalent price of 10.

Source: <https://help.britbox.com/hc/en-us/articles/360043315613-How-much-is-a-BritBox-subscription->

When a show is in 'Last Chance', how long do I have to watch it?

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Source: <https://help.britbox.com/hc/en-us/articles/360043368293-When-a-show-is-in-Last-Chance-how-long-do-I-have-to-watch-it->

If you subscribe via Amazon or Apple TV Channels, you'll be only able to watch the on-demand stream. Unfortunately, live & encore streams aren't currently supported by our partners. On-demand streams are usually available a few hours after the event has ended. The exact timing varies depending on our partner's processing time.

Source: <https://help.britbox.com/hc/en-us/articles/360043238653-Do-you-stream-any-live-events-What-platforms-are-they-available-on->

Welcome to BritBox

The biggest streaming collection of British TV...ever.
Dramas, comedies, mysteries, documentaries, soaps,
lifestyle and more.

Start your 7-day FREE trial, then just \$6.99/month or \$69.99/year

Source: <https://www.britbox.com/us/>

-Hundreds of classic comedies, dramas, mysteries, soaps, documentaries, lifestyle and historic broadcasts, ad-free and on demand
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- All changes, updates and cancellations to your BritBox subscription need to be made in your account on their platform, as we don't have access to your Amazon or Apple account.
- You'll need to reach out to their customer support if you have an issue or question about your account, subscription, billing etc.
- Gift subscriptions aren't redeemable on their platforms.
- Some features and functionality are slightly different, for instance live events and downloading for offline viewing.
- Both partners support a wide range of devices, so if we don't support your preferred way to watch check Amazon or Apple TV App's supported devices.

Source: <https://help.britbox.com/hc/en-us/articles/360043264033-Subscribing-through-Amazon-Prime-Video-or-Apple-TV-Channels>

25. The server must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g. the product must verify that a particular requested data is stored in the cloud). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

26. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., subscription level etc.). Certain aspects of these elements are illustrated in the screenshots provided in connection with other allegations herein.

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

34. Plaintiff is in compliance with 35 U.S.C. § 287.

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

DEMAND FOR JURY TRIAL

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: August 26, 2020

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

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ATTORNEY FOR PLAINTIFF